

## REMARKS

The Examiner issued a final Office Action on this case. This response is an Amendment after Final to address the Examiner's concerns as Applicant understands the Office Action.

In further support of this amendment, 37 CFR § 116, as defined in MPEP 714.12, permits further amendment or argument to be considered after a final action. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Applicant submits that this amendment places the application in condition for allowance as allowed by 37 CFR § 116. Applicant therefore respectfully requests that the Examiner withdraw his final rejection and enter the amendments as presented.

### Claims Rejections – 35 U.S.C. §102

The Examiner rejected Claims 1, 2, 6, 7, 11, 12, 16, 17, and 20 as being anticipated by Swett. Applicant has cancelled Claims 2, 6, 7, 12, 16, and 20 without prejudice. Applicant respectfully disagrees that Swett anticipates her invention as to Claims 1, 11 and 20 and requests that the Examiner withdraw this rejection on this ground and enter the amendment. Further, Applicant has amended Claims 1, 11, and 20 to more clearly claim the scope of her invention as having a cover permanently affixed to the container base via a hinge.

Swett discloses and claims a container having irregular or non-circular, non-rectangular shapes (Col. 1, Ln. 58-62) and a closure cover (Col. 2, Ln. 22-24). The cover is made of a flexible material (Col. 2, Ln. 23-24) and the box portion of a stiffer but flexible material (Col. 2, Ln. 24). While Swett does teach a compartmentalized box with corresponding cover, the disclosure focuses on the ability of the flexible cover to self-align and fit the box (Col. 2 Generally, esp. Ln. 55- 58).

With respect to Claims 1, 11, and 20, Applicant respectfully disagrees that Swett teaches a cover affixed to the back wall and submits that Swett actually teaches away from this feature. Swett teaches and claims a cover that is separate from the container base. Admittedly, Swett does teach that once attached to the container base, the cover is affixed to the back wall. Applicant's invention, however, is distinguishable from Swett in that it includes a cover that is permanently affixed through a hinge to the wall. Support for this feature is found on page 8, line 18 of Applicant's Specification and is labeled "32" in Figures 1, 2, 3, 4, and 5. This unique feature, as argued above, is not seen or taught in Swett. In fact, and as also argued above, Swett teaches away from this feature in that Swett emphasizes the fact that the cover is made of a different material than the container base and the figures illustrate a cover that is separate from the container base.

This hinged cover feature is also not obvious under 37 USC § 103 in that it is not taught in Swett or other cited prior art and serves a very real and desirable function. The present invention is a container for storing catamenial products. It is important that unused products are kept clean and safe. It is equally important that used products, if stored in the container are just that- contained. According to Swett, the cover is separate from the container base. There is no teaching otherwise. This presents the very real chance that the cover can be lost since it is not attached to the container. This further presents the then likely situation in which unused products are then lost from the container and not available for use. Or if the container is used for used products, a lost cover means that nothing will prevent the used products from falling from the container; thus, presenting a potentially embarrassing situation. Applicant's invention solves this problem- the cover is attached to the container base, making it impossible for the cover to be lost and thereby insuring that products, both unused and used, are safely stored.

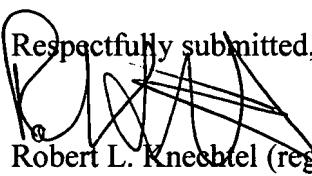
Accordingly, Applicant submits that Swett's neither discloses nor anticipates Applicant's invention comprising a container having a permanently attached lid. Applicant respectfully requests, therefore, that the Examiner withdraws his rejection, finding that Swett does not anticipate the Applicant's invention, enters the amendment and recommend the case for allowance.

Claims Rejections – 35 U.S.C. §103

The Examiner rejected claims 3, 8, and 13 as unpatentable over Swett in view of DeLaforcade for the reason that Swett essentially discloses the invention but does not teach a latch, which is taught by DeLaforcade. Applicant has cancelled Claims 3, 8, and 13 without prejudice.

Applicant submits that the claims, as now presented are in allowable form. Applicant further submits that this amendment places the application in condition for allowance as allowed by 37 CFR § 116 and is permissible according to MPEP 714.12. Applicant therefore respectfully requests that the Examiner withdraw his final rejection and enter the amendments as presented. Applicant also respectfully requests that the Examiner recommend allowance of the case.

If the Examiner believes that a discussion would help in the prosecution of this application, please contact the undersigned at your convenience.

Respectfully submitted,  
  
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CLAIMS- MARKED UP VERSION

I claim:

1. (Currently Amended) An apparatus for storing and transporting catamenial related items comprising:  
a container base including a bottom, a back wall having a first end and a second end, a generally circular side wall having a length and further including a first side wall end adjacent to the back wall first end and a second side wall end adjacent to the back wall second end, the length and back wall defining a space, the space being disposed over the bottom; the space further comprising a first cross member and a second cross member, the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and,  
a cover permanently affixed to the back wall via a hinge, the cover disposed to reversibly cover the space of the container.
2. (Cancelled) The apparatus of Claim 1 further comprised of a rigid material.
3. (Cancelled) The apparatus of Claim 1 further including a latch for releasably securing the cover onto the container.

4. (Cancelled) The apparatus of Claim 1 further including a prepackaged wipe disposed in any one of the first compartment, the second compartment, or the third compartment.

5. (Previously Cancelled) The apparatus of Claim 1 wherein the lid further includes an exterior surface on which ornamentation can be applied.

6. (Cancelled) An apparatus for storing and transporting catamenial related items comprising:

a container including a bottom, a back wall having a first end and a second end, a generally circular side wall having a length and further including a first side wall end adjacent to the back wall first end and a second side wall end adjacent to the back wall second end, the length defining a space;

the space further comprising a first cross member and a second cross member, the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and

a an attached cover sized to reversibly cover the space of the container.

7. (Cancelled) The apparatus of Claim 6 further comprised of a rigid material.

8. (Cancelled) The apparatus of Claim 6 further including a latch for releasably securing the cover onto the container.

9. (Cancelled) The apparatus of Claim 6 further including a prepackaged wipe disposed in any one of the first compartment, the second compartment, or the third compartment.

10. (Previously Cancelled) The apparatus of Claim 6 wherein the lid further includes an exterior surface on which ornamentation can be applied.

11. (Currently Amended) An apparatus for storing and transporting catamenial related items comprising:

a container including a bottom, a back wall, a first side wall, and a second side wall, the container having an interior defining a space;

the space further comprising a first cross member and a second cross member, the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and

a cover affixed permanently affixed to the back wall via a hinge, the cover disposed to reversibly cover the space of the container.

12. (Cancelled) The apparatus of Claim 11 further comprised of a rigid material.

13. (Cancelled) The apparatus of Claim 11 further including a latch for releasably securing the cover onto the container.

14. (Previously Cancelled) The apparatus of Claim 11 further including a prepackaged wipe disposed in any one of the first compartment, the second compartment, or the third compartment.

15. (Previously Cancelled) The apparatus of Claim 11 wherein the lid further includes an exterior surface on which ornamentation can be applied.

16. (Cancelled) An apparatus for storing and transporting catamenial related items comprising:

a container including a bottom, a back wall, a first side wall, and a second side wall, the container having an interior defining a space;

the space further comprising a first cross member and a second cross member, the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and

a an attached cover sized to reversibly cover the space of the container.

17. (Cancelled) The apparatus of Claim 16 further comprised of a rigid material.

18. (Cancelled) The apparatus of Claim 16 further including a prepackaged wipe disposed in any one of the first compartment, the second compartment, or the third compartment.

19. (Previously Cancelled) The apparatus of Claim 16 wherein the lid further includes an exterior surface on which ornamentation can be applied.

20. (Currently Twice Amended) A catamenial products storage apparatus comprising a container base further divider divided into at least three compartments and a an attached lid permanently affixed to a container wall via a hinge disposed to reversibly seal the container base.